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In re Application of
COTER, Florin
U.S. Application No.: 10/521,595
PCT No.: PCT/IL2003/000584
Int. Filing Date: 15 July 2003
Priority Date: 16 July 2002
Attorney Docket No.: P-7626-US
For: SYSTEM AND METHOD FOR
DETERMINING PROPERTIES OF
TUBULAR CAVITY

DECISION

This is a decision on the "Petition to Withdraw Holding of Abandonment Under 37 CFR 1.181(a), . . ." filed on 10 August 2006.

BACKGROUND

On 09 August 2005, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that a declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee must be provided. A two-month time period for response was set with extensions of time available.

On 06 October 2005, applicant purportedly filed a "Response to Notice to File Missing Parts" which contained an executed declaration and authorization to charge any required fee to Deposit Account No. 50-3355.

On 18 July 2006, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909) stating that the above-captioned application was abandoned for failure to respond to the Form PCT/DO/EO/905 within the time period set.

On 10 August 2006, applicant filed the instant petition which was accompanied by, *inter alia*, copies of documents purportedly filed 06 October 2005 and a stamped postcard receipt for the 06 October 2005 documents.

On 26 December 2006, a status inquiry was filed.

DISCUSSION

Applicant claims that a declaration was filed in the subject application on 06

October 2005. These papers are not located in the subject application.

A review of the papers submitted in the petition show that the U.S. application number is listed as 10/521,585 on all of the papers purportedly filed 06 October 2005. A check of U.S. application number 10/521,585 show that the papers were placed there as requested. Hence, the subject petition is treated as a petition under 37 CFR 1.182 to correct the application number and move the papers to the proper application. The \$400.00 petition fee has been charged to Deposit Account No. 50-3355 as authorized.

The papers found in U.S. Application No. 10/521,585 and filed 06 October 2005 clearly show that they were intended for the above-captioned application. The docket number, title and name of applicant correspond to the above-captioned application. Moreover, the declaration references international application PCT/IL2003/000584. The subject application is the national stage of PCT/IL2003/000584.

Accordingly, the declaration filed 06 October 2005 has been moved into the above-captioned application.

DECISION

Applicant's petition under 37 CFR 1.182 is GRANTED.

The Form PCT/DO/EO/909 mailed 18 July 2006 is VACATED.

A review of the declaration filed 06 October 2005 shows that it is in compliance with 37 CFR 1.497(a) and (b). The \$65.00 surcharge fee has been charged to Deposit Account No. 50-3355 as authorized. It is also noted that an assignment was erroneously filed in U.S. application number 10/521,585. Applicant must resubmit the assignment in the subject application.

Applicant has completed the requirements for acceptance under 35 U.S.C. § 371(c). The application has an international filing date of 15 July 2003, under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 06 October 2005.

This application is being forwarded to the Office of Patent Application Processing for continued processing.

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